

REMARKS/ ARGUMENTS

Claims 1-16 are currently pending in the application. Claims 1-4 and 12-16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,298,702 to Jones et al. in view of U.S. Patent Appl. Publ. No. 20020133600 to Williams et al. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Williams and U.S. Patent Appl. Publ. No. 2002/0114282 to McLampy et al. Claim 5 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and Williams in further view of U.S. Patent Appl. Publ. No. 2002/0152319 to Amin et al. Claim 6 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and Williams in further view of U.S. Patent Appl. Publ. No. 20060120282 to Carlson et al. Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Williams, Carlson, and Amin.

Applicants resubmit the claims without amendment and respectfully request reconsideration of the instant application.

To support a rejection based on obviousness, the Examiner must, as the MPEP requires, articulate why a combination of references teaches or suggests all limitations of the claims. See MPEP §§ 2141, 2143. Furthermore, "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP 2143.01, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Proposed Jones-Williams Combination Fails to Disclose Claimed Subject Matter

The present invention is directed to transparently processing session initiation messages to reserve bandwidth across the wireless link between a remote wireless client

and an access element. The wireless network infrastructure detects and processes session initiation messages to determine QoS parameters for the wireless link, and forwards the session initiation message on to a session initiation protocol server for processing. With reference to claim 1, for example, it is in response to the session initiation message, that causes the central control element to “determine one or more Quality-of-Service (QoS) parameters, wherein one of the one or more QoS parameters is an allocation of wireless bandwidth resources of an access element,” and “to transmit the one or more QoS parameters to a first access element to which the first remote client element is associated.” The access element “reserve wireless bandwidth of the first access element for the session according to the allocation of wireless bandwidth of the QoS parameter transmitted by the central control element.” In this manner, wireless resources can be reserved for the session corresponding to the session initiation message without the wireless client having to explicitly reserve such resources.

The proposed Jones-Williams combination does not disclose or suggest the subject matter of the claims. As the Examiner admits, Jones fails to disclose transparent processing of session initiation messages for the identification of QoS parameters, and their application at an access element to reserve wireless bandwidth resources for wireless sessions corresponding to the session initiation messages. The Examiner relies on Williams for its reference to SIP message processing and QoS; however, the Examiner's reliance on Williams does not cure the deficiencies of Jones, since the teachings of Williams (when viewed in combination with Jones) do not teach or suggest the claimed subject matter.

Williams teaches a RSVP proxy mechanism a non-enabled mobile terminal can request a node (such as a GGSN) in the network to act as an RSVP proxy during a session. Despite the Examiner's allegation, however, Williams does not disclose a system that “process[es] the session initiation message to determine one or more Quality-of-Service (QoS) parameters, wherein one of the one or more QoS parameters is an allocation of wireless bandwidth resources of an access element.” Rather, Williams, at paragraph

[0041], merely discloses how a mobile terminal sends a SIP message to initiate a call, which is sent to an IP multimedia system. At paragraph [0043], Williams discusses QoS. However, the Examiner incorrectly alleges that QoS for the session is established in response to the SIP message. Rather, in Williams, the mobile terminal itself must explicitly establish a PDP context with the GGSN and ask the GGSN to be an RSVP proxy. See Williams ¶¶ [0044], [0046]. For example, the mobile terminal specifies QoS in an "Activate PDP context request" transmitted to the GGSN. Williams ¶ [0048]; see also Williams ¶ [0049]. Further, in Williams, only after the PDP context and QoS has been negotiated, does the mobile terminal transmit the SIP message. Williams ¶ [0051] (UE-A establishes PDP context, then sends SIP message). Accordingly, Williams actually teaches away from processing SIP messages to determine QoS parameters, because the QoS parameters have already been negotiated by the time that the SIP message is received.

Still further, the Examiner's allegations as to claim 6 also deserves mention, as Carlson merely discloses denying a given request based on current capacity, but does not disclose "revoking" previously granted QoS guarantees. In addition, the Examiner's rejection of claim 9 is defective. The Examiner admits that the proposed Jones-Williams combination fails to disclose the subject matter of claim 6, from which claim 9 depends. Yet, the Examiner chooses to reject claim 9 based on the proposed Jones-Williams-McLampy combination without explaining how the subject matter introduced in claim 6 is taught in any of the references of the combination.

Based on the foregoing, it is readily apparent that the proposed Jones-Williams combination fails to teach all limitations of the claims. In addition, the Examiner fails to explain how the differences, highlighted above, between the proposed Jones-Williams combination and the claimed subject matter would have been obvious to one skilled in the art, as the MPEP requires. A prima facie case of obviousness has, thus, not been established.

Insufficient Motivation or Suggestion to Combine/Modify

To support the proposed Jones-Williams combination the Examiner alleges that one of ordinary skill in the art would have been motivated to incorporate the network system of Jones "and show the QoS in SIP, as taught by Williams, in order to provide an optimal communication path." See Office Action at 5. This conclusory motivation, however, is insufficient to establish a prima facie case as the Office Action fails to articulate a sufficient rationale to create the claimed subject matter. Rather, the alleged motivation merely establishes that some QoS mechanism could be applied to the system of Jones. However, the alleged motivation does not establish that one would have been motivated to reserve wireless bandwidth resources of a wireless access element. Rather, as discussed above, Williams primarily teaches the establishment of QoS (using RSVP, Intserv, or MPLS) across a routed network disposed between the end systems to the call session, and not on the reservation of wireless bandwidth resources for the connection between a wireless client and an access element. Furthermore, Williams fails to teach processing of SIP messages to determine the QoS parameters to be applied to the wireless link.

Dependent claims 2-11 and 13-16 directly or indirectly depend from claims 1 and 12 respectively and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to the independent claims. Further, these dependent claims recite additional limitations that when considered in the context of the claimed invention further patentably distinguish the art of record.

CONCLUSION

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

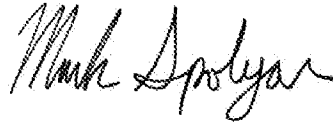
If a telephone conference would advance prosecution of this Application, the Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

The Commissioner is hereby authorized to charge any fee and credit any

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overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Mark Spolyar". The signature is written in a cursive, flowing style.

Mark J. Spolyar
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Date: September 26, 2008

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